



CRIME

Former Clay circuit judge, magistrate sentenced in vote-buying case

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Former Clay County Circuit Judge Cletus Maricle. *ADMINISTRATIVE OFFICE OF COURTS*

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conspiracy aimed at controlling the county through massive vote fraud and other crimes.

U.S. District Judge Danny C. Reeves sentenced former Circuit Judge R. Cletus Maricle, 67, Thursday in federal court in Frankfort.

Reeves also sentenced former Magistrate Stanley Bowling, 60, to 15 years and 10 months in prison for his role in the racketeering conspiracy.

The prosecutor, Assistant U.S. Attorney Stephen C. Smith, sought an even longer sentence for Maricle, saying the former judge abused his public trust, subverting the democratic process for power and profit.

Evidence showed Maricle and seven other county residents convicted in the case spent at least \$400,000 to buy thousands of votes in the 2002, 2004 and 2006 elections, Smith said.

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The illegal activity concentrated power in the hands of a monied few in the poor county and helped foster an atmosphere in which major drug dealers flourished, Smith said.

"A lot of people were affected throughout this criminal scheme," he said.

The judge noted that while Maricle sat atop the conspiracy, the people who sold their votes took part in illegal activity as well.

"There are a lot of people who should look in the mirror tonight and be ashamed," Reeves said.

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On Wednesday, Reeves sentenced former county school superintendent Douglas C. Adams and William E. Stivers, a former precinct officer, to more than 24 years in prison.

Those sentences are far longer than some other public officials have gotten in recent federal cases involving vote-buying in Eastern Kentucky.

For instance, former Knott County Judge-Executive Donnie Newsome was sentenced to 26 months, and his successor, current Judge-Executive Randy Thompson, was sentenced to 40 months. Thompson, who denied wrongdoing, remains in office as he appeals. Former Bath County Judge-Executive Walter Shrout was sentenced to 27 months in a vote-fraud case, and former Pineville Mayor Bob Madon received a 20-month sentence for paying voters.

The case in Clay County was different, however, because it involved multiple elections over several years and crimes such as money-laundering and obstruction of justice.

It also was different because the main charge was not vote-buying, but engaging in organized crime.

"The government has taken a unique step in charging this" under the organized-crime statute, said Louisville attorney Kristin Logan, who represented Adams.

Logan said in a court motion that, as a prosecution of an organized-crime conspiracy based on election-related offenses, it appeared the Clay County case was somewhat unusual in the nation.

Maricle and the seven other county residents were tried on a charge of using the county board of elections as a vehicle to corrupt elections so they could hold power and enrich themselves and associates.

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been used to prosecute Mafia activity — as well as money-laundering.

All but Adams were convicted of other charges as well.

Members of the enterprise lined up candidates, collected or contributed money to bribe voters, put corrupt precinct officers in place to carry out the vote-buying, and promised jobs or favors to further their aims, according to trial testimony.

In 2006, people charged in the enterprise showed two complicit precinct workers how to dupe people so the two could change voters' choices on the voting machines.

In addition to Maricle, Adams, Bowling and Stivers, others convicted in the case are Freddy Thompson, a two-term county clerk; his father-in-law Charles Wayne Jones, the county's Democratic election commissioner; William Bart Morris, who owned a garbage company that got local contracts; and his wife, Debra Morris.

The jury decided the eight should be liable for a judgment of more than \$3 million for the salaries and contracts they received during the conspiracy.

The sentence range for Maricle under advisory federal guidelines was 292 to 365 months.

However, Reeves said he would not give Maricle a sentence beyond that range, as Smith urged, because there were positive aspects to the former judge as well. Reeves mentioned that Maricle helped raise family members at an age when doing so imposed a hardship.

Maricle's daughter had a drug problem, and his son died unexpectedly in early 2009, not long before Maricle and the others were charged.

Reeves also noted several people had submitted letters of support for Maricle.

Several writers described Maricle as a good family man and Christian who rose from modest circumstances — his father died when he was 18 months old — and had helped the community.

"This community has been better because of him," Aaron Mobley, a Baptist

Maricle, who was circuit judge from 1990 to 2007, has continued to maintain his innocence, taking the unusual step of representing himself at a hearing this week to argue that Reeves had violated Maricle's right to due process and shown bias against him, and so shouldn't be allowed to sentence him.

Attorneys have said all eight people convicted in the case will appeal.

"As a matter of justice, there will be an appeal," said Martin Pinales, who represented Maricle with David Hoskins of Corbin.

One likely appeal issue will be Reeves' decision that prosecutors could present evidence of vote-buying and other illegal acts by Maricle, Adams and others that took place before the 2002-07 conspiracy in the indictment.

Reeves said it was necessary for jurors to hear that evidence to understand the background of the criminal enterprise.

Defense attorneys probably also will argue that buying votes is not an activity that can be used to underpin a federal organized-crime conviction.

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